

Legislative Analysis



REMOVAL OF VEHICLE FROM ROADWAY AFTER AN ACCIDENT

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5140 without amendment

Sponsor: Rep. Pam Byrnes

Committee: Transportation

Complete to 9-1-09

A SUMMARY OF HOUSE BILL 5140 AS REPORTED FROM COMMITTEE ON 8-20-09

The bill would amend the Michigan Vehicle Code to specify that, unless the operator of a motor vehicle involved in an accident knows or reasonably should know that serious impairment of a bodily function or death has resulted from the accident, he or she or any other occupant of the motor vehicle who possess a valid driver license would be required to remove the motor vehicle from the main traveled portion of the roadway into a safe refuge on the shoulder, emergency lane, or median, or to a place otherwise removed from the roadway if the following apply:

- Moving the vehicle may be done safely.
- The motor vehicle is capable of being normally and safely operated and can be operated under its own power in its customary manner without further damage or hazard to the traffic elements or to the roadway.

Any person who violates this section would be responsible for a civil infraction.

Also, under the bill, the operator or other person who removes a motor vehicle from the main traveled portion of the roadway, as provided in above, before the arrival of police officers would not be prima facie at fault regarding the cause of the traffic accident solely by removing the motor vehicle.

MCL.257.618a

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact.

POSITIONS:

Department of Transportation testified in support of the bill. (8-20-09)

Department of State Police testified in support of the bill. (8-20-09)

Legislative Analyst: E. Best
Fiscal Analyst: Jan Wisniewski

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